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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,738	11/11/2003	Kristi Bryant	KCX-707 (19616)	4994
22827	7590	11/08/2006	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 11/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,738

Applicant(s)

BRYANT ET.AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments regarding the prior art of Kudo, the interpretation of the phrase "at least one of" for examination purposes includes an embodiment in which only one of the items is present. Therefore, although Kudo only teaches non-white colors, the prior art of Kudo still renders amended independent claims 1, 13, and 20 unpatentable.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al (U.S. Patent Application Publication No. 2003/0187415).

With respect to **Claims 1-4, 10, 12, 20, 21, 22, 23, 29**: Kudo teaches a colored panty liner 1 that is disposed within an undergarment of matching non-white color (design). Liner 1 (personal care product) is comprised of liquid-permeable topsheet 14, intermediate sheet 13, absorbent sheet 12 and liquid-impermeable backsheet 11. (¶¶ 0053) Kudo teaches liquid passage holes 14 of circular (geometric) shape embossed in a regular arrangement (pattern) on topsheet 14 to enhance the clothlike feeling of said topsheet. (¶¶ 0058, 0060) As can be seen from Fig. 1 taught by Kudo, the embossed pattern is defined substantially entirely over the topsheet 14 (claim 23).

Kudo does not teach aligning the pattern on the topsheet with the matching pattern on the undergarment. Embossing a substantially identical pattern on the undergarment is an obvious modification to one of ordinary skill in the art as a matching embossed pattern scheme disposed in a position aligned with the same pattern on said topsheet or backsheet of said liner would accomplish concealment of liner 1 and would also provide a softer feel on said undergarment which also contact the user's skin.

With respect to **Claim 3**: Kudo teaches that each of topsheet 14, intermediate sheet 13, core 12 and backsheet 11 are colored to match each other and the undergarment. (§ 0079)

With respect to **Claim 5, 24-27**: As can be seen from Fig. 1, Kudo teaches a centrally located strip defined by said embossed pattern, but does not teach the opposite, i.e. a pattern defined along two lateral opposite sides of a central longitudinal strip, however it would be obvious to one of ordinary skill in the art to modify the embossed pattern taught by Kudo so as to be present along two lateral opposite side edges of a longitudinal strip as the embossing would still provide the increased softness.

With respect to **Claim 9**: Kudo teaches wing portions 10 formed from the portions of topsheet 14 and backsheet 11 that extend beyond the side edges of core 12 and are sealed together. (§ 0103)

With respect to **Claim 11**: Kudo does not teach a printed pattern on either topsheet 14 or backsheet 11, however it would be obvious to one of ordinary skill in the art to print a pattern as opposed to embossing said pattern, as they are alternate methods of creating the same pattern.

Art Unit: 3761

With respect to **Claims 13,14,16,19**: With respect to steps (a) and (b), Kudo teaches a colored panty liner 1 that is disposed within an undergarment of matching non-white color (design).

Liner 1 (personal care product) is comprised of liquid-permeable topsheet 14, intermediate sheet 13, absorbent sheet 12 and liquid-impermeable backsheet 11. (¶ 0053) Kudo teaches liquid passage holes 14 of circular (geometric) shape embossed in a regular arrangement (pattern) on topsheet 14 to enhance the clothlike feeling of said topsheet so as to be visible to a user during use (claim 14). (¶¶ 0058,0060) As can be seen from Fig. 1 taught by Kudo, the embossed pattern is defined substantially entirely over the topsheet 14 (claim 16).

With respect to step (c), Kudo does not teach aligning the pattern on the topsheet with the matching pattern on the undergarment. Embossing a substantially identical pattern on the undergarment is an obvious modification to one of ordinary skill in the art as a matching embossed pattern scheme disposed in a position aligned with the same pattern on said topsheet or backsheet of said liner would accomplish concealment of liner 1 and would also provide a softer feel on said undergarment which also contact the user's skin.

With respect to **Claim 28**: Please see the rejections of Claims 1 and 9 as collectively, these rejections address the limitations set forth in Claim 29.

Claims 6-8,15,17,18 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al ('415) in view of Minoguchi et al (U.S. Patent Application Publication No. 2005/0054253).

Art Unit: 3761

With respect to **claims 6-8,15,17,18,25**: Kudo does not teach providing an embossing pattern on the backsheet. Minoguchi teaches an absorbent article comprising an embossed backsheet (i.e. embossing pattern is disposed substantially entirely over said backsheet (claims 17,27)). Minoguchi teaches that embossing provides a more clothlike appearance ('253, ¶ 0087), therefore it would be obvious to one of ordinary skill in the art to emboss the backsheet taught by Kudo, either entirely or substantially only in the portions outwardly visible when said liner is placed within said undergarment, to have a clothlike appearance as taught by Minoguchi as such an appearance serves to further successfully conceal the article in a cloth undergarment. Such appearance would serve to further successfully conceal said article whether the embossing pattern is disposed entirely over the backsheet or substantially only the portions most outwardly visible when the article is placed in said undergarment. With respect to claim 18, the combined teaching of Kudo and Minoguchi teaches disposing embossed patterns substantially entirely over both of said topsheet and said backsheet.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3761

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

